

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,      :
                                :      08-cr-1327 (LAP)
      -v.-                      :
                                :      ORDER
HECTOR RIVERA,                 :
                                :
      Defendant.                :
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LORETTA A. PRESKA, Senior United States District Judge:

Before the Court is Defendant Hector Rivera's motion for a sentence reduction under 18 U.S.C. § 3582(c)(1)(A). (Dkt. no. 361.) Mr. Rivera also requests the appointment of counsel.

The Court of Appeals has instructed that:

In deciding whether to appoint counsel, however, the district judge should first determine whether the indigent's position seems likely to be one of substance. If the claim meets this threshold requirement, the court should then consider the indigent's ability to investigate the crucial facts, whether conflicting evidence implicating the need for cross-examination will be the major proof presented to the fact finder, the indigent's ability to present the case, the complexity of the legal issues and any special reason in that case why appointment of counsel would be more likely to lead to a just determination.

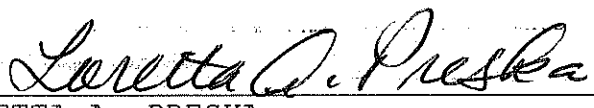
Hodge v. Police Officers, 802 F.2d 58, 61-62 (2d Cir. 1986);

See also Cooper v. A. Sargenti Co., Inc., 877 F.2d 170, 172 (2d Cir. 1989). Given the heinousness of this Defendant's crimes, including use of a firearm during a violent crime and murder for hire, it is unlikely that the Section 3553(a) factors will counsel early release. Accordingly, the request for appointment of counsel is denied.

The Government shall respond to Mr. Rivera's motion no later than May 3, 2024. Mr. Rivera may respond no later than June 3, 2024. The Clerk of the Court shall mail a copy of this order to Mr. Rivera.

SO ORDERED.

Dated: New York, New York
April 3, 2024



LORETTA A. PRESKA
Senior United States District Judge